



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: November 3, 2004

REPORT NO. HO 04-174

ATTENTION: Hearing Officer

SUBJECT: SANTA MONICA AVENUE MAP WAIVER -  
PROJECT NUMBER: 33036

LOCATION: 4617- 623 Santa Monica Avenue

APPLICANT: Robert J. Bateman/San Diego Land Surveying & Engineering

### SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit No. 90564 and Map Waiver No. 90565, to waive the requirements of the Tentative Map to convert four existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

### Staff Recommendation -

1. Approve Coastal Development Permit No. 90564;
2. Approve Map Waiver No. 90565;
3. Approve waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation - On September 1, 2004, the Ocean Beach Planning Board met and voted 10-0-0 in favor of the project with three recommended conditions (**Attachment 9**).

Environmental Review - The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), Existing Facilities.

### BACKGROUND

The proposed project is located at 4617 - 4623 Santa Monica Avenue, on a 0.160-acre site, in the RM-1-1 Zone (Residential-Multiple Unit), Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the Parking Impact Overlay Zone within the Ocean Beach Community Plan Area (Attachment 1). The site is designated within the Ocean Beach Community Plan for multi-family residential land use (Attachment 2). The property is located in the Coastal Overlay Zone (Attachment 3); therefore the subdivision requires a Coastal Development Permit.

The site is a flat 6,970-square-foot, rectangular lot which is currently zoned RM-1-1, a multiple unit residential zone permitting one unit per 3,000-square-feet of lot area. The zone was applied in January 2000. Previous zoning was R-2, which was established on the site in April 1930 and allowed two residential units. The original four units were constructed in the early 1950s, the R-2 Zone allowed for not more than two (2) dwelling units on any lot. However, four units were permitted by Resolution No. 4750 approved by the City Zoning Committee on June 28, 1950. Prior to 1960, there was no parking requirement for the R-2 Zone. The project deviates from current density, parking and other development criteria. Under current regulations, parking required for each one (1) bedroom unit is 1.75 spaces; however, the project has previously conforming rights for development and density to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing four parking spaces are required to remain in accordance with LDC Section No. 142.0510.

The project application was deemed complete on April 15, 2004, after the adoption of the March 15, 2004, Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. Therefore, the proposed project is subject to the amended regulations. The project is not subject to the City's 'Coastal Overlay Zone Affordable Housing Replacement' regulations.

## DISCUSSION

This project is a request to waive the requirement of the Tentative Map for the subdivision of a 0.160-acre site into one lot to convert four existing residential units to condominium units which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. This type of development is consistent with the General Plan and the Ocean Beach Precise Plan, which designate the area for multi-family residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

The project is exempt from the Coastal Overlay Zone Affordable Housing Replacement regulations per Section 143.0820(d) of the Land Development Code, which allows the conversion of ten or fewer dwelling units on a premise with more than one residential structure. No new construction or grading will take place under Coastal Development

Permit No. 90564 and Map Waiver No. 90565, nor are there any known Building or Zoning Code violations of record against this property.

The Map Waiver is exempt from environmental review per Article 19, Section 15301(k) of CEQA on the basis the structures are existing facilities. Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. A subdivider may request a waiver of Tentative Map requirements pursuant to Section 125.0120 of the San Diego Municipal Code. According to San Diego Municipal Code Section 144.0444, *Findings for Tentative Maps for Condominium Conversion*, the decision maker may approve a waiver from tentative map and requirements for subdivision proposals which demonstrate compliance with the General Plan, the Ocean Beach Precise Plan and the State Subdivision Map Act. Staff has determined the proposed waiver is consistent with the General Plan, the Ocean Beach Precise Plan and the State Subdivision Map Act Section 66428.

#### Community Planning Group Recommendation

The Ocean Beach Community Planning Board recommended approval of the proposed project with three recommended conditions: 1) the utilities are undergrounded from pole to property; 2) the CC&R includes that no further building will be done; and 3) the garages be available for parking. Based on the above information, staff continues to support the undergrounding waiver request. This Coastal Development Permit No. 90564 and Map Waiver No. 90565 are only for the condominium conversion; no new construction will take place with this action. The permit requires that the four garages remain on the site and be available for parking.

#### Undergrounding Waiver Request

The project currently contains overhead utility lines. The applicant has requested a waiver of undergrounding existing overhead public utilities per San Diego Municipal Code Section 144.0240 and Council Policy 600-25. The waiver is only for existing overhead utilities. Any future utilities would be required to be undergrounded. City staff has evaluated the request and has determined it would represent an isolated undergrounding and the request meets the criteria in Council Policy 600-25 (Underground Conversion of Utility Lines at the Developers Expense) in that the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an undergrounding facility. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 20 and a date for the undergrounding has not been determined by City Council (**Attachment 5**).

#### Condominium Conversion Regulations

The project proposes a Map Waiver to waive the requirements for a Tentative Map for the subdivision of a 0.160-acre site for the conversion of four existing residential units into condominiums. The project application was deemed complete on April 15, 2004, after the adoption of the March 15, 2004, Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. Therefore, the proposed project is subject to the requirements of the

inclusionary housing ordinance and the condo conversion ordinance, and is exempt from the City's 'Coastal Overlay Zone Affordable Housing Replacement' regulations.

### CONCLUSION

Staff has reviewed the request for a Coastal Development Permit and a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the conversion of four residential units into a condominium project, including the request to waive the requirement to underground existing overhead utilities. Staff has determined the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development as conditioned, meets all applicable regulations set forth in the RM-1-1 Zone, the Ocean Beach Precise Plan and the required findings can be supported (Attachment 7). Therefore, staff recommends approval of Coastal Development Permit No. 90564 and Map Waiver No. 90565, including the Waiver from Undergrounding existing utilities, with the attached conditions.

The San Diego Housing Commission and City staffs have determined that the conversion of the four dwelling units is subject to the Inclusionary Housing Ordinance and the Condo Conversion Ordinance. As such, the applicant is required to pay an in-lieu fee to the Housing Commission prior to the filing of the Parcel Map to satisfy the Inclusionary Housing Ordinance. To comply with the relocation requirements of the Condo Conversion Ordinance, a tenant income survey of the tenants of the four units will be conducted by the Housing Commission and any compliance will be a condition of approval. The conditions by the Housing Commission are included in the Map Waiver Resolution.

### ALTERNATIVE

1. Approve Map Waiver No. 90565 and Coastal Development Permit No. 90564, with modifications.
2. Deny Map Waiver No. 90565 and Coastal Development Permit No. 90564, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Laila Iskandar, Development Project Manager

#### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map

4. Project Data Sheet
5. City's Undergrounding Master Plan for Fiscal Year 2004, Block 20
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Applicant' letter
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology

Job Order Number 42-2644